

Remarks

Favorable reconsideration of this application is requested in view of the following remarks. For the reasons set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The final Office Action dated March 21, 2003, indicated that formal drawings must be submitted before issuance of a patent, and claims 1-10 are rejected under 35 U.S.C. § 103(a) over *Rose* (U.S. Pat. No. 5,930,769) in view of Official Notice and further in view of *Dodd* (U.S. Pat. No. 6,321,211).

Applicant respectfully traverses the Section 103(a) rejection because the Office Action fails to present a combination of references that corresponds to each claimed limitation. Claim 1, as amended, is directed to a method for on-line viewing of an article on another structure including, for example, a host-site accessible to an on-line viewer and web accessible at a separate site which is used for linking the viewer to at least one article-provider site. The claims have been amended to more clearly indicate that the host-site is web-accessible at a separate site by the on-line viewer. This can be seen in Figure 1 where the on-line viewer can access the host site which in turn links the on-line viewer to article-provider sites. The Office Action fails to show where the '769 reference teaches a host-site web-accessible from a separate site. The '769 reference appears to teach only one user site, and not a host-site accessible at a separate site. The single user site of the '769 reference cannot correspond to the claimed host-site, which is accessible at a separate site.

Moreover, the '769 reference fails to teach electrically closeting partial-data sets at the host site. The claims have been amended to more clearly identify that the closeting takes place at the host-site. Support for these amendments is found, for example, in Figure 1 and at page 7, line 16-page 8, line 5 of the Specification. The Office Action, through Official Notice, acknowledges that the '769 reference fails to teach the claimed virtual storage closet. The Office Action's assertion that the database of fashions corresponds to the claimed closeting of partial-data sets, fails because the database is not located at a host-site as claimed and discussed above.

Further, the Office Action erroneously asserts that Figures 3 and 4 of the '769 reference teach the claimed "using the host-site, linking the viewer to the at least one article-provider site and passing images from that site for view by the on-line viewer." The

'769 reference makes no mention of linking to or visiting article-provider web sites. In contrast, the '769 reference teaches the computer software having a fixed "database of fashions" that the user looks through. No discussion in the '769 reference mentions using the internet to link to web sites outside the computer software's database of fashions. The '769 reference fails to teach at least subject matter directed to a host-site, electrically closeting at the host site, and using the host-site to link to article-provider sites as claimed. Without complete correspondence to the claimed invention, the Section 103(a) rejection cannot be maintained. Accordingly, Applicant requests that the rejection be withdrawn.

Applicant further traverses the Section 103(a) rejection because the Examiner failed to provide any evidence in support of the "Official Notice" taken on page 4 of the Office Action. *See*, MPEP § 2144.03. No evidentiary support has been provided for the assertion that the claimed virtual closet is equivalent to a memory storage device as taught by the '769 reference. In view of the above discussion, the evidence of record teaches that the '769's storage device fails to correspond to Applicant's claimed virtual closet. Should the rejection be maintained, Applicant requests evidence in support of the assertions to which "Official Notice" has been taken.

Applicant also maintains that the proposed modification of the '769 reference is unmotivated as it would frustrate the purpose of the '769 reference. The MPEP states that when a proposed modification would render the teachings being modified unsatisfactory for their intended purpose, then there is no suggestion or motivation to make the proposed modification under 35 U.S.C. § 103(a). *See*, MPEP § 2143.01. Upon selection by a customer, the '769 reference teaches retrieving fashion data from a fashion database. At column 6, lines 65-66, the '769 reference teaches, "Each clothes item references portions of a database of fashions for each fashion category." Thus, all of the fashion data accessed in the '769 teachings is already contained within the program. Therefore, it would be unnecessary to closet the customer's selected articles at a host site as they are already stored within the '769 program. The extra step of closeting, at a host-site, fashion data already saved within the program would slow the shopping process in direct opposition to the stated purpose of increasing efficiency. The proposed modification of the '769 reference would frustrate the operation and purpose of the '769

reference and therefore cannot support a Section 103(a) rejection. Applicant respectfully requests that the rejection be withdrawn.

Applicant respectfully maintains the traversal of the Section 103(a) rejection because the Office Action fails to respond to Applicant's previous arguments presented in the Office Action Response and Amendment filed on October 1, 2002 and incorporated herein. The Office Action does not address Applicant's arguments with respect to the failure to present correspondence to each of the claimed limitations and the lack of support and motivation of combinability for the Official Notices taken by the Examiner. MPEP § 707.07(f) dictates that the Office Action should take note of the applicant's argument regarding the impropriety of the asserted combination and answer the substance of it. This is consistent with the purpose of aiding the Applicant in judging the propriety of continuing the prosecution, as indicated in 37 C.F.R. §1.104(a)(2). *See also*, 35 U.S.C. § 132 (The Examiner shall state the reasons for rejection together with such information and references as may be useful in judging the propriety of continuing the prosecution of the application.). The Office Action does not comply with this requirement, and Applicant requests that the rejection be withdrawn.

Enclosed please find a Petition for Extension of Time.

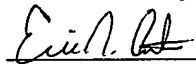
In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance.

Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at (651) 686-6633.

Respectfully submitted,

CRAWFORD MAUNU PLLC
1270 Northland Drive, Suite 390
St. Paul, MN 55120
651/686-6633

Dated: September 22, 2003

By:  ERIC J. CRAWFORD Reg. No. 47,511, For:
Robert J. Crawford
Reg. No. 32,122

Enclosure: Petition for Extension of Time